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STATE OF MICHIGAN
5TH CIRCUIT COURT IN THE COUNTY OF BARRY

Jennifer Thomas
PLAINTIFF

CASE NO.10-352 CD

V
Bradford White Corporation, Gloria
Noyce and Shannon Endsley, jointly
and severally

DEFENDANTS

Richard H. Winslow (P22449)
Attorney for Plaintiff
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COMPLAINT

Now comes Plaintiff Jennifer Thomas by and through her attorney, Richard H. Winslow, and for her Complaint, shows as follows:

1. Jennifer Thomas is a resident of the County of Barry in the State of Michigan.
2. Jennifer Thomas was hired by Bradford White Corporation on or about September 3, 1996, and continues to be an employee.
3. Bradford White Corporation conducts continuous business in, and maintains a permanent presence in the County of Barry, State of Michigan at all times pertinent to the matters concerning this litigation.
4. Bradford White Corporation employs hundreds of employees, and is subject to MCL 37.2202 et seq.
5. Bradford White Corporation adopted a rule prohibiting its employees from engaging in illegal acts, which would including acts of violence and stalking in the workplace.

6. Jennifer Thomas is 5 feet 3 inches in height, weighs approximately 250 pounds; she is single and the mother of a 3 year old child.
7. Plaintiff qualifies as a protected person under MCL 37.2202 (a) as it prohibits an employer and person from affecting terms, conditions or privileges of her employment on the basis of weight, height and marital status and as retaliation for reporting such violations.
8. Someone wrote on a water heater, "Jennifer Thomas is a fat pig"; little effort was made to investigate who was responsible for it, and no one was disciplined.
9. Gloria Noyce and Shannon Endsley continuously harass Jennifer Thomas since July 2007, by stalking her at work, calling attention to her size, including: making comments to her such as "wide ass", "fat ass", "blubber butt", shopping for clothes at the "tent and awning store", stalking Jennifer and "oinking" (like a pig) at her, remarking that Jennifer Thomas "grazes" and eats at a "trough", saying that she does not know the identity of the father of her young child. Gloria Noyce has, on several occasions, intentionally come dangerously close to hitting Plaintiff with a Hi lo and a powered sweeping machine.
10. While stalking Plaintiff, Shannon Endsley intruded into the dock area, and opened the outside overhead crane door five or six times to, make it cold and windy where Plaintiff was working shortly after midnight of January 8, 2009.
11. The above examples of harassment are intentional, malicious and conducted for the purpose of tormenting Plaintiff and causing emotional distress.
12. The harassment by said employees has been brought to the attention to Bradford White Corp. management and Human Resources Department by Plaintiff and other employees.
13. In response to Plaintiff's reports of harassment, Bradford White Corp. requested Plaintiff to report every instance of harassment by Noyce and Endsley.

14. Plaintiff kept up reporting harassment for some 6 months, Bradford White Corp. failed to conduct a meaningful investigation or take effective action to discourage the harassment.
15. In retaliation for Plaintiff reporting harassment according to Bradford White's direction, Plaintiff was subjected to further harassment from Noyce and Endsley in the form of rubbing their eyes and saying in a mocking tone "boo hoo" when they came upon Ms Thomas.
16. Endsley made a false report at work in 2009 that Plaintiff almost ran into Noyce with a Hello.
17. On other occasions, Noyce has intentionally struck Plaintiff with a purse, run into her, and attempted to hit Plaintiff by slamming a door on Plaintiff.
18. Noyce has instructed other employees to not clean up the lunch table where Plaintiff customarily eats and Noyce has refused to remove scrap from Plaintiff's work station when it was Noyce's work duty to do so.
19. Noyce and Endsley would walk out of their way and leave their work areas to approach where Jennifer Thomas was working to mock, sneer and stare at her.
20. These and similar behavior have been reported to Bradford White Corp.
21. Bradford White Corp's. management personnel scheduled, reassigned and sent Gloria Noyce to work in the department it had scheduled Jennifer Thomas to work, after instructing Noyce and Endsley to stay in their own departments and to stay away from where Plaintiff was working.
22. Endsley confronted Thomas and her young child in K-Marts in Middleville on October 20, 2009, referring to Plaintiff as a "looser" in the presence of Plaintiffs' children.

23. Other employees reported the continuation of harassment and Bradford White was aware that it continued to remain a concern.
24. During and since contractual arbitration was conducted and a recommendation was made for Bradford White Corp. to take action, the harassment continued, unabated.
25. The harassment is unwelcome, creates a hostile environment, and has resulted in damage to her health which has required medical care and absence from work.

COUNT I
ELLIOT-LARSEN CIVIL RIGHTS ACT

26. Plaintiff incorporates paragraphs 1 through 25 as if restated hereat.
27. Bradford White Corp. is vicariously liable for misconduct of its employees when it allows, contributes to, ratifies and acts upon a deficient and false investigation.
28. Bradford White Corp. has allowed and tacitly approved the harassment to continue to create a hostile work environment in violation of the Elliot-Larsen Civil Rights Act by failing to make a thorough investigation and to take effective, decisive action to deter the continued harassment and by directing Plaintiff to continue to work with her tormenters.
29. Conduct of all Defendants was intentional, malicious and violated clearly established laws without legal or socially acceptable justification.
30. Bradford White Corp. is liable under the theory of respondeat superior for the conduct of its employees including management and the employees directly involved in the harassment based upon illegal discrimination because it refused to make effective effort to curtail and prevent the continuation of the harassment bullying in the workplace when it had the means, knowledge, duty and opportunity to do so.

Wherefore, Jennifer Thomas prays this Honorable Court to enter judgment in excess of Two Hundred Fifty Thousand (\$150,000.00) dollars compensable damages, plus costs, interest and actual attorney fees as allowed by MCL 37.2802.

COUNT II

STALKING AND INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

31. Plaintiff incorporates paragraphs 1 through 30 as if set forth in full hereat.
32. The conduct described above, constitutes “stalking” by Defendants Noyce and Endsley in violation of MCL 600.2954 because of the intent to injure and deprive Plaintiff of peace of mind, ability to earn income, by its frequency and duration; and the actions result in foreseeable deprivation of Plaintiff’s privacy, health, of peace of mind, ability to earn income, and otherwise cause motional injury.
33. The conduct engaged in (as described above), because of its intent to injure and deprive Plaintiff of peace of mind, ability to earn income, its frequency and duration, has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.
34. Bradford White Corp. is liable under the theory of respondeat superior for the conduct of its employees on the work site because it refused to curtail and prevent the continuation of the bullying in the workplace although it has the means, knowledge, duty and opportunity to make it stop.

Wherefore, Jennifer Thomas prays this Honorable Court to enter judgment against Defendants jointly and severally, in excess of Two Hundred Fifty Thousand (\$150,000.00)

dollars compensable damages, exemplary damages, statutory damages , actual attorney fees, plus costs, interest and statutory attorney fees.

Count III

CIVIL CONSPIRACY

35. Plaintiff incorporates paragraphs 1 through 34 as if set forth in full hereat.
36. Defendants Noyce and Endsley persistently acted in concert to intentionally cause mental distress and injure to Plaintiff in the ways described above.
37. Bradford White Corp. is liable under the theory of respondeat superior for the conduct of its employees because it refused to make an effective effort to curtail and discourage the continuation of the bullying in the workplace, despite its policy and rules prohibiting such misconduct, thereby giving the appearance of tacit, official, approval and permission to continue to use its premises to cause injury to Plaintiff.
38. Bradford White intentionally assigned the Plaintiff to work with Noyce and Endsley in November 2007 and on April 29, 2009 in violation of an agreement to keep them apart.
39. Bradford White continues to assign Gloria Noyce to work duties which provide the opportunity to continue to stalk Plaintiff.

Wherefore, Jennifer Thomas prays this Honorable Court to enter judgment against Defendants jointly and severally, in excess of Two Hundred Fifty Thousand (\$250,000.00) dollars compensable damages, plus costs, interest and actual attorney fees.

Count IV

Defamation of Character

40. Plaintiff incorporates paragraphs 1 through 39 as if set forth in full hereat.
41. Defendant Endsley defamed Plaintiff in front of other by falsely saying Plaintiff did not know the identity of the father of her child, and by falsely accusing Plaintiff of attempting to run down Defendant Noyce.
42. Shannon Endsley defamed Jennifer Thomas at the K Mart store in Middleville, MI on or about October 20, 2009, by referring to her as a “looser” in the presence of her 2 children and the general public.

Wherefore, Jennifer Thomas prays this Honorable Court to enter judgment in excess of One Hundred Thousand (\$100,000.00) dollars compensable damages, exemplary damages plus costs, interest and actual attorney fees.

Dated: July 5, 2010



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